S.B.CRIMINAL MISC. TEMP BAIL APPLN NO.5272/2006

Date : 22.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mahesh Bora for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the applicant should be granted interim bail for the reason that his entire house at Barmer has sub-merged in the water. He submits that certificate of Sarpanch in this regardwas submitted before the learned trial court.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that learned trial court stated in the impugned order that it is correct that accused's house was sub-merged but looking to the quantity of the contraband material i.e.130 Kgs. involved in this case, accused was not given benefit of bail and also of interim bail.

I have considered the submissions made before me.

It appears that this Court rejected the bail application on 06.11.2006 thereafter subsequently the bail application was moved before the learned trial court and the same was dismissed on 17.11.2006.

After hearing learned counsel for the parties while taking into consideration the overall facts and circumstances of the present case and looking to the quantity of the contraband material i.e.130 Kgs. involved in the case and further that the accused is a previous convict in a NDPS Case, I do not feel inclined to extend benefit of interim bail to the applicant. Accordingly, the application for interim bail moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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